



Andrew T. Houghton
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May 10, 2012

***Via Electronic Filing
and Facsimile (973-297-4906)***

Hon. Madeline Cox Arleo
United States District Court for the District of New Jersey
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *Illinois National Insurance Company v. Wyndham Worldwide Operations, Inc., et al.*, Case No.
2:09-cv-01724
Our File No.: 02331-085411

Dear Magistrate Judge Arleo:

We represent plaintiff Illinois National Insurance Company ("Illinois National") in this matter.

In connection with the discovery motions heard on April 26, 2012, we submit a proposed order enclosed herewith (Encl. 1).

We were not able to reach an agreement with Wyndham's counsel on the language of the order. Wyndham did not want to include the basis for the denial of Illinois National's motion in paragraph 1 of the proposed order. This includes the reference to Wyndham's representation at the hearing that it did not detrimentally rely on having the coverage at issue; as well as the availability of other means to obtain the information sought. We believe including the basis of the ruling is necessary and appropriate, and there should be no controversy on this. A copy of the parties' correspondence in this regard is enclosed for the Court's reference (Encl. 2).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Houghton".

Andrew T. Houghton
Sedgwick LLP

Encls.

cc: Michael David Lichtenstein, Esq. (via ECF w/ enclosures)
Eric Jesse, Esq. (via ECF w/ enclosures)

ENCLOSURE 1
(Proposed Order)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

-----X
ILLINOIS NATIONAL INSURANCE
COMPANY,

Case No.: 2:09-cv-01724-CCC-MCA

Plaintiff,

-VS-

WYNDHAM WORLDWIDE OPERATIONS,
INC.; WYNDHAM WORLDWIDE
CORPORATION; WYNDHAM VACATION
OWNERSHIP, INC.; and WYNDHAM
RESORT DEVELOPMENT CORPORATION,

Defendants.

-----X

This matter came before the Court on discovery disputes set forth in letter briefs filed on February 14, February 28, and March 6, 2012 [Docket Nos. 140, 141, 145, 146, 150, and 151] by Plaintiff Illinois National Insurance Company ("Illinois National") and Defendants Wyndham Worldwide Operations Inc., et al. ("Wyndham"), and a hearing was held before this Court on April 26, 2012. The Court having considered the papers filed and the arguments and representations of the parties, and being so informed,

IT IS HEREBY ORDERED THAT:

1. Illinois National's request for an order compelling production of the documents identified on Wyndham's privilege logs is DENIED. As represented by Wyndham at the hearing, it did not detrimentally rely in any way, shape or form, before or after the subject accident, on any belief, understanding or expectation that the Jet Aviation policy provided Wyndham with coverage for liability arising from non-owned aircraft that are not operated by or used at the direction of Jet Aviation, including the subject aircraft.

Furthermore, the discovery sought by Illinois National can be sought through other means such as written discovery and/or depositions of Wyndham. Accordingly, the Court need not rule on Wyndham's claims of privilege as to the subject documents.

2. Illinois National's request that Wyndham's objection to Request for Admission No. 5 be overruled and that it be directed to respond to the request is DENIED. Illinois National may revise and re-serve Request No. 5 in accordance with the Court's direction provided at the hearing.
3. Wyndham's request that Illinois National be compelled to produce additional versions of its procedures is DENIED, insofar as Illinois National has produced the AIG Aviation, Inc. procedures for Renewal Manuscript Endorsements/Policies/Certificates revised as of June 15, 2008, the preceding version revised as of January 1, 2008 and the subsequent version revised as of November 24, 2009.

Dated: May ___, 2012

MADELINE COX ARLEO
United States Magistrate Judge

ENCLOSURE 2
(Correspondence)

Houghton, Andrew

From: Jesse, Eric [EJesse@lowenstein.com]
Sent: Thursday, May 10, 2012 10:59 AM
To: Houghton, Andrew
Subject: RE: Illinois National Ins. Co. v. Wyndham - [Proposed] Order on Discovery Motions

Thank you.

Eric Jesse
Associate
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, New Jersey 07068
Tele: (973) 597-2576
Fax: (973) 597-2577
Cell: (973) 525-3872
ejesse@lowenstein.com
www.lowenstein.com

From: Houghton, Andrew [mailto:Andrew.Houghton@sedgwicklaw.com]
Sent: Thursday, May 10, 2012 10:48 AM
To: Jesse, Eric; Lichtenstein, Michael David
Cc: Kevane, Timothy D.; Mandel, Aaron
Subject: RE: Illinois National Ins. Co. v. Wyndham - [Proposed] Order on Discovery Motions

That's fine.

From: Jesse, Eric [mailto:EJesse@lowenstein.com]
Sent: Thursday, May 10, 2012 10:37 AM
To: Houghton, Andrew; Lichtenstein, Michael David
Cc: Kevane, Timothy D.; Mandel, Aaron
Subject: RE: Illinois National Ins. Co. v. Wyndham - [Proposed] Order on Discovery Motions

Okay. We'll also submit the order that we circulated to you a day or two ago and we'll let Judge Arleo decide which one to enter. Can we agree on a time to jointly submit so Judge Arleo doesn't enter one before seeing the other? How about 2:00pm today?

Eric Jesse
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From: Houghton, Andrew [mailto:Andrew.Houghton@sedgwicklaw.com]
Sent: Thursday, May 10, 2012 10:31 AM
To: Jesse, Eric; Lichtenstein, Michael David

Cc: Kevane, Timothy D.; Mandel, Aaron

Subject: FW: Illinois National Ins. Co. v. Wyndham - [Proposed] Order on Discovery Motions

Eric

We're going to submit the proposed order as-is, so that it includes the basis of the rulings. We'll let the Court know that the parties have not jointly agreed on this version.

Andrew

From: Houghton, Andrew

Sent: Wednesday, May 09, 2012 10:00 AM

To: 'Jesse, Eric'; Lichtenstein, Michael David

Cc: Kevane, Timothy D.; Mandel, Aaron

Subject: RE: Illinois National Ins. Co. v. Wyndham - [Proposed] Order on Discovery Motions

Eric- thanks for your email. As we consider it, please let us know if the proposed order accurately reflects Wyndham's position in this case regarding reliance. You advise that the reference to Wyndham's position should not be in the order, but we wanted to confirm the position with you.

Andrew

From: Jesse, Eric [mailto:EJesse@lowenstein.com]

Sent: Tuesday, May 08, 2012 6:15 PM

To: Houghton, Andrew; Lichtenstein, Michael David

Cc: Kevane, Timothy D.; Mandel, Aaron

Subject: RE: Illinois National Ins. Co. v. Wyndham - [Proposed] Order on Discovery Motions

Andrew,

Attached please find our revisions to your draft order. We removed the portion on Wyndham's reliance from paragraph 1 because it has no place in the order and, in any event, Wyndham's position was stated on the record at the hearing.

Best,

Eric Jesse

Associate

Lowenstein Sandler PC

65 Livingston Avenue

Roseland, New Jersey 07068

Tele: (973) 597-2576

Fax: (973) 597-2577

Cell: (973) 525-3872

ejesse@lowenstein.com

www.lowenstein.com

From: Houghton, Andrew [mailto:Andrew.Houghton@sedgwicklaw.com]

Sent: Monday, May 07, 2012 12:03 PM

To: Lichtenstein, Michael David; Jesse, Eric

Cc: Kevane, Timothy D.; Mandel, Aaron

Subject: Illinois National Ins. Co. v. Wyndham - [Proposed] Order on Discovery Motions

Michael and Eric,

Attached is a proposed order on the discovery issues addressed at the April 26 hearing. Please advise if you concur and we will submit it as a joint order.

Andrew

Andrew T. Houghton

Andrew.Houghton@sedgwicklaw.com | 212.422.0202

Sedgwick_{LLP}

125 Broad Street, 39th Floor

New York, NY 10004

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Cc: Kevane, Timothy D.; Mandel, Aaron
Subject: RE: Illinois National Ins. Co. v. Wyndham - [Proposed] Order on Discovery Motions
Attachments: 20522166_1_Proposed Order on Discovery Motions [with LS edits].DOCX

Andrew,

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COMPANY,

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Plaintiff,

-VS-

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INC.; WYNDHAM WORLDWIDE
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OWNERSHIP, INC.; and WYNDHAM
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Dated: May __, 2012

MADELINE COX ARLEO
United States Magistrate Judge

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